

BEFORE THE POLLUTION CONTROL HEARINGS BOARD

STATE OF WASHINGTON

APPEAL FROM CIVIL PENALTY)	
IMPOSED BY SOUTHWEST AIR)	HB 70-3
POLLUTION CONTROL)	FINDINGS OF FACT AND ORDER
AUTHORITY AGAINST CUMMINS)	
OREGON DIESEL, INC.)	

This matter came on for hearing at 1 p.m., November 20, 1970, in the hearing room in the Longview Public Library, before two members of the Pollution Control Hearings Board, Matthew W. Hill and Walt Woodward, with the appellant, Cummins Oregon Diesel, Inc. appearing by its service manager, David Rickman; and the respondent, Southwest Air Pollution Control Authority, appearing by Edward V. Taylor, its executive director and James Ladley, its attorney.

It was conceded at the outset that there was a burning of lube filters and fuel filters on the premises of the appellant on July 13, 1970; that no burning permit had been secured or requested; and that such burning was in violation of the duly and regularly adopted regulations of the Southwest Air Pollution Control Authority.

Witnesses on behalf of the Southwest Air Pollution Control Authority were sworn and testified, and David Rickman testified on behalf of the appellant, Cummins Oregon Diesel, Inc.

On the basis of the testimony and the concessions made, the Pollution Control Hearings Board makes the following

FINDINGS OF FACT

I.

That on July 13, 1970, the appellant, Cummins Oregon Diesel, Inc., at its premises in Longview, Washington (23rd S. Vaughn) did burn a considerable number of lube oil filters and fuel filters, resulting in the creation and release of black smoke in considerable quantities; that no permit had been secured for such burning, and that it was in violation of the properly adopted rules and regulations of the Southwest Air Pollution Control Authority;

II.

That the penalty appealed from (\$100 fine) was properly imposed by the Southwest Air Pollution Control Authority;

III.

That while David Rickman, service manager of the appellant Cummins Oregon Diesel, Inc., is to be commended for his frankness and obvious sincerity, and the improvements made in the appearance of the premises, they do not constitute an excuse for the burning without a permit, nor do they constitute a justification for the mitigation of the penalty imposed.


MATTHEW W. HILL, Chairman


WALT WOODWARD, Member

Based on the foregoing Finding of Facts, the Pollution Control Hearings Board at its meeting on December 1, 1970, makes and enters the following

ORDER AFFIRMING THE PENALTY IMPOSED
BY THE SOUTHWEST AIR POLLUTION CONTROL
AUTHORITY

The Order of the Southwest Air Pollution Control Authority, imposing a \$100 penalty on Cummins Oregon Diesel, Inc. from which penalty this appeal was prosecuted, is affirmed.

DONE at Olympia, Washington, this 1st day of December, 1970.

STATE OF WASHINGTON
POLLUTION CONTROL HEARINGS BOARD

By Matthew W. Hill
MATTHEW W. HILL, Chairman

Walt Woodward
WALT WOODWARD, Member

The third member of the State of Washington Pollution Control Hearings Board, having familiarized himself with the complete record on this appeal, concurs in the foregoing Findings of Fact and Order.

James T. Sheehy
JAMES T. SHEEHY, Member